



Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

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REPLY COMMENTS OF CINCINNATI COMMUNITY VIDEO
IN THE FOURTH FURTHER NOTICE OF PROPOSED RULEMAKING
AND THIRD NOTICE OF INQUIRY

To: The Commission:

Cincinnati Community Video submits these reply comments in response to the Fourth Further Notice of Proposed Rulemaking / Third Notice of Inquiry, FCC 95-315, in the above-captioned proceeding, released August 9, 1995. The Commission seeks comments on under what terms and conditions free over-the-air broadcasting should make a transition from analog to digital technology. Cincinnati Community Video urges the Commission to regulate the transition to advanced broadcast television technology ("ATV") in the public interest.

Cincinnati Community Video is a member of the Alliance for Community Media, a not-for-profit association representing PEG access centers nationwide.

Cincinnati Community Video has been in operation for six years; community access has been a part of the cable franchise in Cincinnati for thirteen years.

Thousands of institutions, organizations, individuals and religious groups regularly use our facilities. Among organizations that have utilized Cincinnati Community Video in the past year are 139 religious institutions and nonprofit organizations and 17 schools, colleges and universities providing daily, weekly and monthly programs.

Our public and educational access center transmits this programming on our local cable system, pursuant to the franchise agreement between Warner Cable and the City of Cincinnati, and the federal 1984 Cable Act. Our volunteer producers are associated with a wide range of religious, community, educational, charitable, and other non-commercial, non-profit institutions. These organizations use our public and educational access center and the facilities we provide to speak to their memberships and their larger communities and participate in an ever-growing "electronic town hall." A list of organizations that regularly use our facility is attached as Exhibit A. We believe that the

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tremendous resources of the Information Age should be made available to all communities, including those communities that otherwise would have insufficient means to participate in this technological revolution.

The development of ATV may offer the most significant opportunity since the birth of television to make the mass media more responsive to local needs and non-commercial voices. The broadcasting industry, however, sees this as an opportunity to receive \$70 billion worth of federally-owned electromagnetic spectrum for free. The industry wants to use this valuable additional capacity for a number of lucrative subscriber services, including data transmission, communications services and subscription video services. We believe that the spectrum should be used to enhance both the quantity and quality of local educational, political, cultural, public affairs, and non-commercial programming.

This tremendous augmentation of broadcast capacity could easily provide a platform for existing public, educational and governmental and low-power television stations to broadcast local programming; it could also assure a free place for political candidates, quality children's programming, "distance learning" programs offered through high schools and universities, and local theater and musical performances. The Commission could impose a license fee approaching fair market value for broadcasters' use of the spectrum, and require that some channel space be put aside for non-commercial purposes. Auctions, quasi-auctions, "condominium" and "quasi-common carriage" proposals will permit incumbent broadcasters to have unfettered access to a digital broadcast platform while allowing the federal government to collect much needed revenue. A portion of the license fees could be used to fund local non-commercial programming on these public interest channels.

We are also concerned that the industry wants to develop ATV under anti-competitive, cartel-like conditions, by initially prohibiting any non-broadcaster from receiving an ATV license. We do not see why this is necessary. Diversity of programming and diversity of ownership have both been long-standing public policy goals of the Commission. Neither is served by imposing this entry barrier on ATV. This limitation will reduce the number of voices on the air, and like other market-entry barriers, will create substantial inefficiencies for potential subscribers and advertisers.

We at Cincinnati Community Video urge the Commission to recognize the interests of the educational, charitable, and civic sector as it devises telecommunications policy for the 21st century, and to implement advanced television in a manner that sustains and nurtures what is best in America -- its churches, its schools, its local institutions, and its charitable organizations.

Respectfully submitted,



Joyce Miller, Executive Director
Cincinnati Community Video
3130 Wasson Rd.
Cincinnati, OH 45209

NONPROFIT ORGANIZATIONS USING PUBLIC ACCESS IN 1995

A Day In Eden
Aids Volunteers of Cincinnati
All About Kids
Amatull & Associates
American Hungarian Society
AMISTAD
AMSA
Antennae Magazine
Applied Interactive Resources
Art Director's Club of Cincinnati
Artreach
Arts Consortium
Arts Festival, Inc.
Attention Deficit Disorder Council
Be K.I.N.D.
Beyond the Veil
Black Male Coalition
Children's Defense Fund
Children's Medical Center
Cincinnati AFL-CIO
Cincinnati Blues Society
Cincinnati Community Video
Cincinnati Historical Society
Cincinnati Metropolitan Housing Authority
Cincinnati Opera
Cincinnati Park Board
Cincinnati Youth Collaborative
Cincinnati Zoo
City Cures
Clean & Sober Productions
Coalition of Neighborhoods
Ensemble Theatre
Free Spirit

NONPROFIT ORGANIZATIONS USING PUBLIC ACCESS IN 1995 (cont'd.)

Freestore Foodbank
Greater Cincinnati Council for Performing Arts
Greater Cincinnati Council on World Affairs
Greater Cincinnati Foundation
Group Health Association
Hamilton Co. Sheriff's Department
Harriett Beech Stowe House
Human Involvement Project Innovations
Hyde Park Center for Older Adults
Integrity Hall
Jazz Guitar Society
Kaldi's
Kenwood Towne Center
League of Women Voters
Lighthouse Youth Services
NAACP
National Assn. of Physically Handicapped & Disabled
National Assn. of Women in Construction
National Association of Women
Northside Community Council
O.W. Motivational, Inc.
Ohio Civil Rights Commission
Ohio Satsang Society
Partners Marketing
Pentecostal Children's Home
Planned Parenthood of Cincinnati
Public Library of Cincinnati
Quality Theatre Players
Queen City Bowling Senate
RAAMUS
Real Estate Investors Association
Sankova Productions
Square Music Foundation

NONPROFIT ORGANIZATIONS USING PUBLIC ACCESS IN 1995 (cont'd.)

St. Joseph's Orphanage

Summit Lighthouse

Taft Museum

TKR Cable

Tourettes Syndrome Association

U. S. Postal Service

UCAN

UMADAOP

United Way

WICI

Wm. Mallory Foundation

Women Helping Women

Young Love Productions

YWCA

EDUCATIONAL ORGANIZATIONS USING PUBLIC ACCESS IN 1995

Cincinnati Public Schools
Dial-A-Teacher
Education India Foundation
Elder High School
Grace School of the Bible
Hillel Student Union
Hughes Alternative Center
Northern Kentucky Univ.
Northside Boxing School
St. Clare School
St. Mary's School
Summit Country Day School
Temple Bible College
The Union Institute
U.C. Institute of Learning & Retirement
Univ. of Cincinnati Band Alumni Assn.
Univ. of Cincinnati Electronic Media
Univ. of Cincinnati Office of
Univ. of Wisconsin at Green Bay
Ursuline Academy
Winton Woods High School
Xavier Univ. Television Center

RELIGIOUS ORGANIZATIONS USING PUBLIC ACCESS IN 1995

Addyston Baptist Church
Alive In The Spirit
American Atheist Institute
Apostolic Lighthouse
Archdiocese of Cincinnati
Baha'i Faith
Baptized Believers in Christ
Beams of Heaven Baptist Church
Beth Messiah
Bethlehem Temple Church
Bibleway Church of God
Chabad House
Christ Temple Baptist Church
Christian Faith Works
Cincinnati Islamic Center
Council of Christian Communion
Courts of Praise Christian Center
Delhi Christian Center
Devotion Time Ministries
Fireball Ministry
First Baptist Church of Hartwell
First Christian Assembly
Fowler Creek Baptist Church
Freedom of Choice Ministry
Glenn Cole Evangelist Association
God's Power
Hebrew - A People
Holiness Church of God
Hope Temple
House of Yisrael
Jerriel Baptist Church
Jimmy Swaggart Ministries
Landmark Baptist Church
Lighthouse of Faith

RELIGIOUS ORGANIZATIONS USING PUBLIC ACCESS IN 1995 (cont'd.)

Living Church of the Word
Mt. Paran Baptist Church
Nation of Islam
New Christian Life Baptist Church
New Life Outreach Ministry
Oakley Christian Church
Presentation Ministries
Pro-Visions Community Church
Second Community Church
Second Peter Church of God
Southern Baptist Church
St. Stephen's Missionary Baptist
Summit Lighthouse
Temple of Hope Evangelistic Church
Testament Worship Center
Trinity Northbrook Baptist Church
Unification Church
Victory Christian Center
Zion Temple First Pentecostal Church